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20 UBER TECHNOLOGIES, INC., RASIER, LLC,
 21 And RASIER-CA, LLC

22
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

23 IN RE: UBER TECHNOLOGIES, INC.,
 24 PASSENGER SEXUAL ASSAULT
 25 LITIGATION

26 This Document Relates to:

27 ALL ACTIONS

28 Case No. 3:23-md-03084-CRB (LJC)

**UNOPPOSED MOTION TO SHORTEN
 TIME TO HEARING ON MOTION FOR
 ENFORCEMENT OF PROTECTIVE
 ORDER**

Judge: Hon. Lisa J. Cisneros
 Courtroom: G – 15th Floor

29 UNOPPOSED MOTION TO SHORTEN TIME FOR HEARING ON MOTION FOR
 30 ENFORCEMENT OF PROTECTIVE ORDER

31 Case No. 3:23-md-03084-CRB (LJC)

I. INTRODUCTION

In its Motion for Enforcement of Protective Order (the “Motion”), Uber demonstrated that the Court’s Protective Order in this action had been violated by someone who intentionally provided sealed Court documents to the *New York Times*. The very first line of the *Times* article describes what “sealed court records show.”

Although two weeks have passed since the Times article, the person or organization who accessed sealed Court records and violated the Court’s Protective Order has neither confessed nor been caught. Plaintiffs’ attorneys are now beginning to publish the sealed confidential information on their websites. *See, e.g.*, <https://federal-lawyer.com/injury-lawsuit/sex-abuse/uber/> (linking to *Times Article*). And there is no telling when the Protective Order violator may share additional sealed information with unauthorized parties.

Unfortunately, some plaintiffs' firms (outside plaintiffs' MDL leadership) have expressly refused to execute certifications detailing that they did not share sealed confidential information with the *Times*. Premo-Hopkins Decl., ¶ 5. The integrity of the Court process has been compromised and this breach needs urgent addressing before discovery can continue. Uber views any additional document productions it makes as being at significant risk of being disclosed to the *Times* or other media.

The hearing on Uber’s Motion to Enforce the Protective Order is currently set for September 30. To expedite the resolution of this serious issue, Uber respectfully requests that the Court enter the Proposed Order attached as Exhibit A, resetting the hearing on the Motion for Thursday to coincide with the status conference on August 28, 2025, at 10:30 a.m. Pursuant to an email from the Courtroom Deputy on August 15, Uber understands that the Court has a trial set for that week that may run into Thursday, August 28, and that the Court may need to push the status conference from 10:30 a.m. to 2 p.m. that day—timing that also works for Uber. Plaintiffs’ response brief is due August 27. To the extent August 28 cannot work, Uber respectfully requests that the hearing be scheduled on the earliest available date. MDL Plaintiffs’ Leadership have

1 indicated they do not oppose the relief sought in this Motion, provided that the due date for
 2 Plaintiffs' response brief remains unchanged.

3 **II. BACKGROUND**

4 Uber recently filed the Motion, describing the violations of this Court's Protective Order
 5 that resulted in sealed information being shared with the Times. ECF 3695. In the Motion, Uber
 6 certified that it had contacted each of its current employees, former employees, attorneys, and other
 7 agents who had access to the protected material and confirmed that they did not share those
 8 materials with the *Times*, either directly or indirectly. *Id.* at 13. Uber also certified that it contacted
 9 the *Times* and excluded the possibility that the *Times* received the documents through a File-and-
 10 Serve error. *Id.* at 1.

11 Uber asked that the Court order MDL Plaintiffs' Counsel to likewise certify that (1) they
 12 "contacted each employee, contractor, consultant or agent (including expert witnesses) working
 13 with" them, "as well as any client who, based on a reasonable investigation, may have had access
 14 to the compilation of sealed documents/exhibits" containing the protected material that was leaked;
 15 and (2) each of those individuals confirmed "that they had not shared or in any way provided
 16 access, directly or indirectly, to any of the documents referenced in" the article "to the New York
 17 Times or its agents, either directly or indirectly." ECF 3695-31 at 3.

18 The three MDL Plaintiffs' leadership firms have agreed to provide a certification. But the
 19 other 34 Plaintiffs' firms with cases in the MDL have not, including some Plaintiffs' firms that
 20 have expressly refused to provide the requested certification. Premo-Hopkins Decl., ¶ 5.

21 The Motion noticed a hearing based on Judge Breyer's earliest available hearing date of
 22 October 3 as set forth in the Court's Next Available Civil Law and Motion Calendar. ECF 3695
 23 at 1. Judge Breyer then referred the Motion to Magistrate Judge Cisneros. ECF 3697. Judge
 24 Cisneros set a hearing on the Motion for September 30, 2025. ECF 3710. In the meantime, the
 25 Protective Order violator has not come forward voluntarily, as should have been expected of
 26 attorneys who are officers of this Court. And following the filing of Uber's Motion, the sealed
 27 material continues to appear in public, including on the websites of plaintiffs' lawyers.

1 <https://federal-lawyer.com/injury-lawsuit/sex-abuse/uber/> (“Update for August 15, 2025: Uber
 2 Sexual Assault Claims.”) Uber believes that any document production it makes in this MDL—
 3 even those containing trade secrets or other highly confidential documents—is now at risk of being
 4 forwarded to the *Times* or otherwise provided to unauthorized persons.

5 **III. ARGUMENT**

6 Uber moves pursuant to Local Civil Rule 6-3 to shorten the time for the Court to hear the
 7 Motion. Protective orders are meant to protect the parties subject to it “from annoyance,
 8 embarrassment, oppression, or undue burden or expense,” including by preventing the disclosure
 9 of information that “if publicly released could be damaging to reputation and privacy.” Fed. R.
 10 Civ. P. 26(c); *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 35 (1984). But there is a “constant
 11 danger [of dissemination to third parties] inherent in disclosure of confidential information
 12 pursuant to a protective order.” *Rocky Mountain Med. Mgmt., LLC v. LHP Hosp. Grp., Inc.*, No.
 13 4:13-CV-00064-EJL, 2013 WL 6446704, at *6 n.5 (D. Idaho Dec. 9, 2013) (internal citation
 14 omitted).

15 Here, the violations of the Court’s Protective Order, including the leaking of confidential
 16 business information and sensitive data, threatens continued harm if not promptly addressed. The
 17 person or organization who violated the Court’s Protective Order may be planning to share
 18 additional sealed information with the *Times*—or another media organization—in the near future.
 19 And the longer this violation remains unaddressed, the greater the likelihood it will have to
 20 prejudice jury pools against Uber in the upcoming bellwether trials. While moving up the hearing
 21 date for the Motion to coincide with the upcoming status conference (or another date that is
 22 convenient for the Court) would not prejudice Plaintiffs (who do not oppose this Motion) or
 23 interfere with the case schedule, it would promote the interests of justice by accelerating resolution
 24 of Uber’s allegations and its opportunity to obtain relief.

25 Uber has made good-faith efforts to obtain a stipulation with Plaintiffs regarding an earlier
 26 hearing date. In particular, Uber initiated a meet-and-confer process with MDL Plaintiffs’ counsel
 27 pursuant to Local Civil Rules 6-3(a)(4) and 37-1. Premo-Hopkins Decl., ¶ 7. Counsel for Uber
 28

1 met and conferred via phone call with MDL Plaintiffs' counsel on August 21, 2025. *Id.*, ¶ 8.
2 Although MDL Plaintiffs' counsel stated that they would not stipulate to a new hearing date as
3 early as next week, they indicated that they would not oppose Uber's motion to expedite the
4 hearing date. *Id.* The next day, on August 22, 2025, Counsel for Uber provided MDL Plaintiff's
5 counsel a draft of its motion to expedite the hearing date. *Id.*, ¶ 9, Ex. 1. Plaintiffs' counsel
6 represented their position as follows: "Plaintiffs defer to the Court on the timing of the hearing,
7 but respectfully request that the Court not advance the due date for Plaintiffs' response to the
8 motion, currently set for August 27." *Id.*, ¶ 10, Ex. 2.

9 For all these reasons, the Court should shorten the time to the hearing on the Motion.

10 **IV. CONCLUSION**

11 Uber respectfully requests that the Court enter the Proposed Order attached as Exhibit A,
12 resetting the hearing on the Motion to coincide with the status conference set for August 28, or the
13 earliest date available to the Court.

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1 DATED: August 22, 2025

Respectfully submitted,

2 */s/ Laura Vartain Horn*

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Laura Vartain Horn
Laura Vartain Horn